

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND		JUDGE NUMBER	JURY DEM.	YR.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							75	OTHER				NUMBER	NUMBER
1085/4	76	0519	10	18	76	4		350	1	134				8510		76	0519-C	

PLAINTIFFS

DEFENDANTS

PHILLIP GIBSON and
MARY JO GIBSON

PIZZA HUT OF MIAMI, INC.
and MICHAEL SAENZ

CAUSE

28 USC 1332

This action arises out of an automobile accident on 8/9/74 in which the van driven by deft. Saenz and operated by deft. Pizza Hut ran into the rear of the automobile operated & owned by pltf. Phillip Gibson and occupied by this plaintiff and plntf. Mary Jo Gibson. Demand: \$75,000.00

ATTORNEYS

Wade R. Bosley
Fishburne & Bosley
1005 North Western Avenue
Marion, Indiana 46952
317-662-2576

C. B. Savage
201 W. 5th St., Suite 500
Tulsa 74103
584-4716

Gary J. Rickner
395 Lincoln Bank Tower
Fort Wayne, Indiana 46802
423-9551

Thomas R. Brett
Suite 400, 201 West 5th
Tulsa, OK 74103
583-1115

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED
JS-5 11-1-76
JS-6 9-1-77

DATE 1976	NR.	PROCEEDINGS
10-18	1.	Order, transferring case from ND of Indiana, Fort Wayne Div. to ND of Okla., filed. (Jesse E. Eschbach-J)ph
10-18	--	Transcript of record from ND of Indiana, Fort Wayne Div. ph
8/9/76	1.	Civil Cover sheet filed. ww
8/9/76	2.	Complaint filed. Summons issued and mailed to Marshal. ww
8/17/76	3.	Marshal makes return on summons to Michael Saenz. Date of Service 8/13/76. \$28.36. ww
8/24/76	4.	Marshal makes return on service of summons to Pizza Hut of Miami, Inc. served 8/19/76. \$4.00. es
8-25-76	5.	Gary J. Rickner enters written appearance for defendants. Cert. of Serv. slm
8-25-76	6.	Defendants file Motion for Enlargement of Time. Cert. of Serv. slm
8-26-76	7.	Pursuant to motion filed 8-25-76, the time within which defendants must answer or otherwise plead to plaintiffs' complaint is extended to and including September 30, 1976. (SE) Eschbach, Judge. Copy to Wade R. Bosley and Gary J. Rickner 8-26-76. es/slm
9-1-76	8.	Larry A. Conrad, Secretary of State, makes return on service of summons to Pizza Hut of Miami, Inc., by mailing to defendant on 8-23-76, return receipt and envelope containing the summons, attached, returned by P. O. Dept. marked "Addressee Unknown". es
9/21/76	9.	Motion to Dismiss filed by counsel for defendants. Cert of Serv. ww
10/5/76	10.	Motion to Transfer filed by counsel for plaintiffs, with Memorandum. Cert. of Serv. es
10/14/76	11.	Memorandum of Decision And Order Entered. (SE) Eschbach, Judge. The court denies defendants' motion to dismiss and orders that this cause be transferred to the United States District Court for the Northern District of Oklahoma, and further directs that the Clerk of this court transfer all files & records in this matter to the Clerk of the U. S. District Court for the Northern District of Oklahoma, at Tulsa, Oklahoma. Copy to Gary J. Rickner, Robert W. Schatz and Wade R. Bosley 10/14/76. ww
10/15/76	12.	File forwarded to U. S. District Court at Tulsa, Oklahoma pursuant to order of 10/14/76. ww
11-22	2.	Notice of entry of appearance of Thomas R. Brett, for defts., filed.ph
12-2	3.	Ans. of defts., filed. ph
12-17	4.	Interrogatories by defs. to Mary Jo Gibson, filed. rm
12-17	5.	Interrogatories by defs. to Phillip Gibson, filed. rm
12-28	6.	Notice of entry of appearance by C. B. Savage for pltf., filed. rm
1-24-77	MO:	Case set for PT hearing 3-11-77 at 11:30 a.m. (HDC-J)hm

(CONTD.)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF PHILLIP GIBSON	DEFENDANT PIZZA HUT OF MIAMI	DOCKET NO. <u>76-C-519-C</u> PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
1977 3-7	7.	Phillip Gibson's answers to interrogatories, filed. rm
3-7	8.	Mary Jo Gibson's answers to interrogatories, filed. rm
3-11	MO:	Upon advise of parties, due to illness, this case is stricken from PT hearing of this date to be reset. (HDC-J)ph
4-18	MO:	Case set for pre-trial hearing 6-3-77 at 1:30 P.M. (HDC-J)jj
4-27	MO:	Ordered, that pursuant to suppl. to pre-trial docket, parties are advised that pre-trial memo must be filed with the ct. no later than 5/27/77. (HDC-J) njb -- notices mld.
6-3	MO:	Pre-trial hearing held. Parties rep. Statements made. Pltf. to re-draft pre-trial order by 6-8-77. Old pre-trial order may be withdrawn at that time. Deft. will dismiss action as to pltf. Mary Jo Gibson. Case set for N/J trial 7-11-77 at 9:30 a.m. EST: 1 day. Parties agree pltf. can use depos. of Dr. in Marion, Indiana at trial. (HDC-J)ph
6-6		Deposition of Charles R. Kershner, M.D., taken by pltfs. on 5-31-77, filed. hm
6-8	9.	Pre-Trial Order, filed. (HDC-J)g cp mld
6-24	10.	Trial Brief of Pltf., fld. v
7-5	11.	Trial brief of defts., filed. ph
7-11	MO:	Case tried to the Court. Pltf. presents case in chief w/test. of witnesses & intro. of exhibit. Pltf's offer of depos. of Dr. Kirshner w/exhibits, into evid., over obj. of deft., is granted by the Court & said depos. received into evid. Pltf. rests. Deft's mo/dismissal denied. Deft. presents case in chief w/test. of witnesses, intro. of exhibits. Deft. offers answers of Mr. Gibson to interrog. #23 & 45 & they are admitted over no obj. Deft. rests. Parties rest. Court makes findings & enters judgment in favor of pltf. in amt. of \$2,500.00 pain and suffering and \$41.00 for medical expenses. Counsel for pltf. to prepare order. Parties allowed to withdraw deft's exhibits 1 thru 8. (HDC-J)hm
7-11		Trial exhibits, filed. hm
8-9	12	Journal entry of judgment, fld. & entered., It is ordered by the Ct. that the Pltf. Phillip Gibson, is granted judgment against the Defts. in the Amt. of \$2,541.00, plus the costs of this action and that the Pltf. Mary Jo Gibson, take nothing against the Deft., and in reference to the claim of Mary Jo Gibson the Defts. are granted judgment thereon with costs assessed against the Defts. herein. (HDC-J) cps mld to movant. ho
8-9	13	Satisfaction and release of judgment. fld. ho

7-5
Pltf. will bring
to court
(see mo-6-b)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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